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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Sr. Ozzy's Franchising LLC, et al.,

10 Plaintiffs,

11 v.

12 Jissel Morales, et al.,

13 Defendants.
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No. CV-23-00238-PHX-GMS

ORDER

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16 Pending before the Court is Plaintiff's Motion for Entry of Stipulated Judgment
17 (Doc. 47), the Party's Joint Motion for Judgment (Doc. 58), and the Plaintiff's Motion for
18 Attorneys' Fees and Related Non-Taxable Costs (Doc. 60).

19 The Parties' Joint Motion for Judgment (Doc. 58) is granted, thereby granting
20 Plaintiff's Motion for Entry of Stipulated Judgment (Doc. 47).

21 On September 19, 2023, the parties entered a settlement agreement in which
22 Defendants stipulated to an injunction and agreed to pay \$65,000 in ten monthly
23 installments of \$6500 beginning on October 5, 2023. It further stipulated that if there was
24 a failure to pay any of the monthly amounts a judgment in the amount of One Hundred
25 Thousand Dollars less any of the monthly payments previously made would be entered
26 against the Defendants. It further permitted any Party successful in instituting enforcement
27 proceedings could seek its attorneys' fees. Each party was to pay its own costs and
28 attorneys' fees.

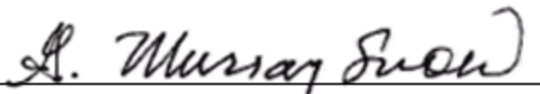
1 Plaintiff now seeks its attorneys' fees incurred in filing the Order to Show Cause
2 and the Stipulated Judgment (Doc. 60). No fees incurred in filing the Order to Show Cause
3 are awarded. The Defendants breached the settlement agreement for failure to make their
4 monthly payments under the settlement agreement, but the Defendants were no longer
5 operating their restaurant when the Order to Show Cause was being prepared or was filed.
6 Plaintiffs could have determined the restaurant was closed by trying to enter it. In the
7 absence of this basic investigatory step, no attorney's fees are awarded related to the Order
8 to Show Cause.

9 Very little effort was entailed in filing the Stipulated Settlement Agreement since it
10 was already signed by the Defendants at the time of settlement, and only needed to be filled
11 in and filed. After reviewing the filings, the Court adopts the amount suggested by
12 Defendant (\$1750) due to the intermingled amounts and the unverifiable alternative
13 amount suggested by Plaintiffs' counsel in the Reply.

14 **IT IS ORDERED** granting Plaintiffs judgment against Defendants, jointly and
15 severally, in the amount of Eighty-Seven Thousand Dollars (\$87,000.00) with an additional
16 Seventeen Hundred and Fifty Dollars (\$1,750.00) in attorneys' fees for a total joint and
17 several judgment of Eighty-Eight-Thousand Seven Hundred Fifty Dollars (\$88,750.00).

18 **IT IS FURTHER ORDERED** directing the Clerk to enter judgment consistent
19 with this Order.

20 Dated this 21st day of June, 2024.

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23 G. Murray Snow
24 Chief United States District Judge
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